C.P. 100

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4725 OF 2005

PETITIONER:

P.R. No. 30/9/05
Presented by Shri Vinay Pandey
dated 26/9/05

Ku. Kaushilya Mannewar, D/o- Shri Laxmi Prasad Mannewar, Aged About-20 Years, R/o-Bhairav Nagar, Mathepurena Raipur (C.G.)

VERSUS

RESPONDENT (S):

1. State of Chhattisgarh:
Through it's Secretary
Department Of Health,
D.K.S. Bhawan, Raipur (C.G.)

2. Director, Health Services
D.K.S. Raipur (C.G.)

Received
26/9/05
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3. Dean, Chhattisgarh Aayurviggyan Sansthhan, Distt-Bilaspur (C.G.)

4. Adim Jati Uchha Estariya Chhanbin Samiti, Through: it's President, Pt. Ravi Shankar Viswavidiyalaya Parisar, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS / CERTIORARI ETC. OR DIRECTION / ORDER IN THE LIKE NATURE.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.No.417/2005... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	28-9-2005 Shri Vinay Pandey, counsel for the petitioner. Shri Sandeep Dubey, Govt. Advocate for the State/respondents No.1 and 2. Shri Manindra Shrivastava, Sr. Advocate with Shri Amrito Das, Advocate for respondent No.3. The petitioner has preferred this writ petition challenging the action of respondents for denying admission to the petitioner in the 1st year of M.B.B.S. Course in the academic session 2005-06 on the ground that the petitioner is not a S.T. candidate. The case of the petitioner is that after completion of her Senior Secondary Examination (10+2), she appeared in the P.M.T. Examination Test, 2005 held by the respondents and she secured good numbers which is evident from Annexure-P/2 mark sheet. The petitioner applied for admission as a S.T. candidate on the strength of the certificate given by the S.D.O., Saraipali (Annexure-P/5) but the respondents are not giving admission to the petitioner on the ground that she does not belong to the S.T. category whereas, certificate has been given by the S.D.O., Saraipali. Return has been filed on behalf of respondent No.3 in which it has been mentioned that some complaint regarding genuineness of the caste status of the petitioner was filed before the High Power Committee constituted for the purpose of enquiring and ascertaining caste of a person in view of the Hon'ble Apex Court's judgment passed in **Madhuri Patil's** case. The High Power Committee after conducting the enquiry vide letter No.1174 dated 16-9-2005 informed the answering respondents that the caste certificate benefit of which is being sought by the petitioner was	

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

highly suspicious, and the petitioner was apprised about the said communication on the date of the counseling. Subsequently, on 23-9-2005, vide letter No.1192 respondent No.4 informed the answering respondent that the petitioner was wrongly trying to take advantage of the certificate issued to her. On this, the petitioner was informed that she is not entitled for admission against the S.T. quota.

I have heard learned counsel for the parties and perused the records.

It is true that certificate Annexure-P/5 has been issued in favour of the petitioner showing her as a S.T., however, on a complaint, the High Power Committee constituted under the Supreme Court's directions for enquiring and ascertaining the genuineness of the caste of the S.T./S.C. ~~candidates~~ persons enquired into the matter and vide letter dated 23-9-2005 informed the Dean, C.I.M.S. that the petitioner does not fall in the S.T. category, therefore, she is not entitled to take advantage of the seat reserved for S.T.

Perusal of the aforesaid communication shows that the Committee examined the legality of the certificate issued in favour of the petitioner and also examined Nrujatiya particulars, namely Gotra, Language, Traditional Occupation, and their Gods and Goddess, which do not tally with the S.T. Community. In para-2 it has been mentioned that the petitioner herein and her father were not able to establish about their status as S.T. and also they were not able to produce any record which establishes that they are S.T.

In view of the above finding of the High Power Committee, the certificate issued by the S.D.O., Saraipali, carries no value.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	Learned counsel for the petitioner put forward the argument that the said report has been given without giving reasonable opportunity to the petitioner for producing the record and without giving any opportunity of hearing, therefore, above report cannot be relied upon. I am afraid, this argument cannot be allowed to be raised. If the petitioner has any grievance against the said report of the Committee, she is at liberty to challenge the same before the appropriate Forum. So long the document dated 23-9-2005 issued by the High Power Committee is in existence the petitioner cannot claim any benefit as a S.T. candidate. In view of the above, I am of the opinion that the petition filed by the petitioner is without any merit, same is liable to be dismissed and it is accordingly dismissed. No costs. Consequently, M.(W.)P. No.3828/2005 and I.A. No.8438/2005 stand disposed of. Sd/- L.C. Bhadoo Judge	

21.10.05

3.10.05